



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 11, 1999

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard Schrader, Director  
Citizens Action of New York City  
94 Central Avenue  
Albany, NY 12206

RE: MUR 4793

Dear Mr. Schrader:

On August 18, 1998, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on June 10, 1999. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

MUR 4793  
FRIENDS FOR WEINER

Richard Schrader, Director of Citizen Action of New York City, complains that the Metropolitan NY Towing and Auto Body Association (the "Association") solicited corporate contributions for Friends of Weiner (the "Committee"), the campaign committee for a congressional candidate. He alleges that this was accomplished by suggesting that members attending an October 1997 fund-raiser may make "company" checks payable to the Association. The flyer advertising the fund-raiser, attached to the complaint, advised recipients that corporate checks cannot be made payable to the election committee, personal checks may but also stated that "company checks" may be made payable to "Metropolitan" or "cash." Mr. Schrader further alleges that this practice resulted in the alleged contribution of approximately \$4,100 in corporate funds to the Weiner campaigns between the dates of 4/26/94 and 9/4/97. Mr. Weiner won election to New York's 9<sup>th</sup> congressional district seat in 1998 by a vote of 66% to Lou Telano's 24%.

The Association responds that all of the contributions noted in the complaint were for Anthony Weiner's race for New York City Council, not for Congress. (New York law permits corporate contributions). Respondent also asserts that it did not solicit or contribute funds to any federal elections, and that its members were well aware that they could make no corporate or cash contributions at the October 1997 event. Five individual respondents who responded also state their understanding at the time that these contributions were intended for Mr. Weiner's City Council campaign. These respondents likewise deny that they gave corporate contributions either directly or through the Association to any federal campaigns.

The Committee responds that the all the contributions listed in the complaint were to Weiner's City Council committee and not to his federal committee, Friends For Weiner. The Committee also states that it clarified in a letter to the Association before the October 1997 fund-raiser that members could not make any corporate or cash contributions to Friends for Weiner under federal law.

This matter is less significant relative to other matters pending before the Commission.